

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-27258 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DAVID MADDOX

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 7, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all conditions of approval for Special Use Permit (U-0052-02), Required Review (RQR-2792), Required Review (RQR-4264), and Required Review (RQR-11344).
2. All violations of City Code requirements and design standards must be corrected within 30 days.
3. Payment of the required notification costs of \$300 within 10 days of City Council action

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a required One-Year Review of an approved Special Use Permit (U-0052-02) which allowed an Open Air Vending/Transient Sales Lot at 3320 North Rancho Drive. This is the fourth Required Review performed on this property.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
7/17/02	The City Council approved a Special Use Permit (U-0052-02) for an Open-Air Vending/Transient Sales Lot on this site, subject to a One-Year Required Review. The Planning Commission and staff recommended approval on 06/13/02.
10/01/03	The City Council approved a required One-Year Review (RQR-2792) of the Special Use Permit that allowed an Open-Air Vending/Transient Sales Lot on this site, subject to a Six-Month Required Review. The Planning Commission recommended approval on 8/28/03. Staff recommended denial.
9/15/04	The City Council approved a required Six Month Review (RQR-4264) of the Special Use Permit that allowed an Open-Air Vending/Transient Sales Lot on this site, subject to a One-Year Required Review. The Planning Commission and staff recommended denial on 5/27/04.
6/28/06	Code Enforcement Citation #43853: Stagnant (green) water in pools and spas; trash and debris; weeds; illegal signage. This case was resolved on 10/04/06.
7/14/06	The City Council approved a required One-Year Review (RQR-11344) of the Special Use Permit that allowed an open-air vending/transient sales lot on this site, subject to a One-Year Required Review. The Planning Commission and staff recommended denial on 4/13/06.
6/20/07	Code Enforcement Citation #54608: Stagnant (green) water in pools. This case was resolved on 7/20/07
2/25/08	Code Enforcement Citation #62631: Illegal business activity, illegal fences and structures, illegal warehousing/manufacturing on site. This case is still open.
<i>Related Building Permits/Business Licenses</i>	
4/14/05	The building permit #27721 expired for a two-foot high retaining wall on 3340 North Rancho Road without receiving final inspection. This retaining wall extends across both 3340 and 3320 North Rancho Road and has an illegal six-foot high chainlink fence placed on top. There are no permits for any of the existing buildings or internal fences located on site.

<i>Related Business Licenses</i>	
2/15/08	<p>There are no active business licenses recorded at 3320 North Rancho Road.</p> <p>A business license review for “Building Supplies and Hardware” (spa sales) located at 3340 North Rancho Road was denied by Planning and Development as it:</p> <ol style="list-style-type: none"> 1. Does not meet the minimum conditional requirements per Title 19.04.010 for the Building & Landscape Material/Lumber Yard use and, 2. Does not conform to condition number three of RQR-11344, which prohibited the expansion of the use (spa sales) onto 3340 North Rancho Road.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
2/22/08	A field check was made with Code Enforcement staff with the following observations: Non-permitted chainlink fences across both 3320 North Rancho Road (subject site) and 3340 North Rancho Road; manufacturing in the illegal structures at 3320 North Rancho Road; trash and debris scattered pallets; unpaved gravel lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.48 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Open Air Vending/Transient Sales Lot	GC (General Commercial)	C-2 (General Commercial)
North	Commercial	GC (General Commercial)	C-2 (General Commercial)
South	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay – 70 Feet	X		Y
Trails	X		N*
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

**Trails: A 20-foot wide Multi-Use Transportation Trail is required along the east side of Rancho Drive on this site. The trail has been built along 3320 and 3340 North Ranch Drive, but the landscaping has not been maintained and is currently non-compliant.*

ANALYSIS

This is the fourth review of the subject Special Use Permit (U-0052-02) for an Open-Air Vending/Transient Sales Lot. This item has been placed on the agenda by staff as the applicant has failed to produce all of the required documents and payments in order to proceed. The applicant has not made progress on the site in the form of pulling permits for any of the existing construction since the initial approval and has expanded the use onto 3340 North Rancho Road, contrary to the explicit conditions not to.

- Use**

An Open Air Vending/Transient Sales Lot is defined in Title 19.20 as an area that is used exclusively for the sale or taking of orders for any merchandise where such merchandise is displayed or sold in the open area; such activities are not part of the operation of an established business; *and no permanent physical structures or facilities are used as integral parts of the sales or order taking operations.* The term includes the display or sale of merchandise in or in connection with a truck, trailer or movable building of any type. The current use does meet the above definition in that non-permitted permanent structures and chainlink fencing have been built on site. In addition, staff has witnessed employees on site constructing hot tubs, a demonstration of an incompatible Light Assembly use as defined in Title 19.04.010.

- Conditions**

Several conditions of approval were placed upon the original approval of the Special Use Permit (U-0052-02) and subsequent Required Reviews (RQR-2792, RQR-4264, and RQR- 11344). A recent field check of the site discovered multiple violations of the conditions of approval. Shown below is a table of conditions, all of which are part of the original Special Use Permit (U-0052-02) and subsequent Required Reviews (RQR-2792, RQR-4264, RQR-11344), that have not been met by the applicant:

Condition	Issue
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1. Barbed wire, razor ribbon, chainlink, etc. are prohibited.	Chainlink fence surrounds the perimeter property and divides the interior of the property.
2. Approval of and conformance to the Conditions of Approval for shall be required.	Landscaping not maintained, restricted use has expanded onto neighboring property.
3. RQR-11344 was subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.	Applicant did not file for a one-year required review and is not in compliance with the conditions of approval for this site.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.	Manufacturing of spas on site, no active business license, no permits for structures or fences, Accessory Outside Storage use exceeds 5% of the lot area for the C-2 (General Commercial) zone.

FINDINGS

Staff notes that the subject site of entitlement contains two accessory structures that do not have building permits or comply in size or location with the site plan submitted with Special Use Permit U-0052-02. Additionally, the applicant has not complied with condition number three of RQR-2792, which states “The open air/transient sales lot use shall not be extended onto adjacent parcels” nor has the landscaping been adequately maintained as required by all previous City Council actions.

Due to the lack of compliance with the conditions of approval for the Special Use Permit (U-0052-02) for an Open-Air Vending/Transient Sales Lot, the subsequent Required Reviews (RQR-2792, RQR-4264, and RQR-11344), and the failure to comply with various sections of the Las Vegas Municipal Code, denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

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APPROVALS

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PROTESTS

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